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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/475,448  
Filing Date: December 30, 1999  
Appellant(s): LYNCH, DAVID JOHNSTON

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JACK SCHWARTZ  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 02/11/08 appealing from the Office action mailed 08/09/07.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

|           |             |         |
|-----------|-------------|---------|
| 6,091,886 | ABECASSIS   | 7-2000  |
| 5,828,402 | COLLINGS    | 10-1998 |
| 5,550,575 | WEST ET AL. | 8-1996  |

2004/0040034

SULLIVAN ET AL.

2-2004

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 10, 11, 13, 21, 23-25, 27 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by **Abecassis (6,091,886)**.

As to claim 10, **Abecassis** discloses video viewing responsive to content and time restrictions and further discloses a system comprising:

A video signal processor (Subscriber Video System 'SVS' 721/722/723) for producing an output signal suitable for coupling to a display device (741) to produce a plurality of images for display to at least one viewer (figs.4, 7, col.5, line 59-col.6, line 47 and col.19, lines 31-53);

A supervisor control system (SVS 721/722/723) operable by a supervisor to create at least one viewer profile identifying programs to be blocked from display to the at least one viewer (figs.8-9, col.5, line 59-col.6, line 47, col.19, line 54-col.20, line 27, col.21, line 34-col.22, line 11);

The supervisor control system operable by the supervisor to select a specific program having a rating above a set rating for blocking programs applicable to the viewer profile such that the select program is unblocked for the duration of the program while the other of the plurality of images for display are blocked according to the viewer profile, whereby upon completion of the selected specific program, the supervisor control system identifies programs to be blocked (figs.4 and 9) according to the at least

one viewer profile (col.19, line 54-col.20, line 27, col.21, line 34-col.22, line 61, line 66-col.23, line 44 and col.24, line 55-col.25, line 8), note that portion of the video are seamlessly skipped (blocked) to only present (play) videos or versions of the videos that may be viewed by a viewer (e.g. child).

As to claim 11, Abecassis further discloses the images correspond to programs and the viewer profile identifies programs to be blocked from display to the at least one viewer (col.21, line 34-col.22, line 61, line 66-col.23, line 44).

As to claim 13, Abecassis further discloses where the viewer profile identifies at least one time period during which all images are to be blocked from display to the viewer (col.21, line 34-col.22, line 61, line 66-col.23, line 44).

As to claim 21, Abecassis further discloses the supervisor control system 20 for producing an output signal includes at least one item selected from the group comprising: television receiver, STB, VCR tuner (col.19, line 54-col.20, line 27 and line 57-col.21, line 19).

As to claim 23, **Abecassis** further discloses a video signal processing system for producing an output signal suitable for coupling to a display device to produce images to be displayed to at least one viewer, a method for blocking viewing by at least one viewer comprising the steps of:

Creating a viewer profile (SVS 721/722/723) identifying images to be blocked for a corresponding viewer (figs.4, 7, col.5, line 59-col.6, line 47 and col.19, lines 31-53);

Selecting a program (SVS 721/722/723) having a rating above a set rating for blocking programs to be applied to the viewer profile so as to allow the corresponding

viewer to view the selected program for the duration of the program (figs.8-9, col.5, line 59-col.6, line 47, col.19, line 54-col.20, line 27, col.21, line 34-col.22, line 11);

Monitoring blocking of the other of said images to be displayed according to the viewer profile; and monitoring blocking of viewer of all images according to the viewer profile upon completion of said selected program (col.19, line 54-col.20, line 27, col.21, line 34-col.22, line 61, line 66-col.23, line 44 and col.24, line 55-col.25, line 8).

Claim 27 is met as previously discussed with respect to claim 11.

Claim 29 is met as previously discussed with respect to claim 13.

4. Claims 12, 14-17, 19, 24-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Abecassis (6,091,886)** as discussed above with respect to claims 10 and 23, and in view of **Collings (5828402)**.

As to claim 12, Abecassis further discloses where the images correspond to channels, but fails to explicitly teach where the viewer profile identifies channels to be blocked from display to at least one viewer.

However, **Collings** discloses a method and apparatus for selectively blocking audio and video signals and further teaches blocking channel(s) (figs.1, 2, 5, col.2, line 66-col.3, line 16, line 45-col.4, line 8, col.17, lines 20-32 and col.19, line 41-col.20, line 6).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Collings into the system of Abecassis to block undesirable channel(s) and prevent the user from accessing the blocked channel(s).

As to claims 14-17, Abecassis fails to explicitly teach where an override list is formed including a selection of a plurality of programs having a rating above a set rating for blocking programs applicable to the viewer profile by a user and the override list is applicable to at least one corresponding viewer profile such that at least one image to be blocked according to the viewer profile is unblocked and at least one other image not blocked according to the viewer profile is blocked.

However, in an analogous art Collings further teaches where an override list is formed including a selection of a plurality of programs having a rating above a set rating for blocking programs applicable to the viewer profile by a user and the override list is applicable to at least one corresponding viewer profile such that at least one image to be blocked according to the viewer profile is unblocked and at least one other image not blocked according to the viewer profile is blocked, applied to at least one viewer profile(s), for a period of time specified by the supervisor and override list includes at least one override selected from the group comprising at least one channel override, at least one time period blocking override, at least one rating blocking override, at least one program (Col.17, lines 1-32 and Figures 5B and Figure 5H).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Collings into the system of Abecassis for the purpose of allowing a parent to unblock previously blocked program(s) and furthermore to enable the parent to have additional control (e.g. time of viewing, etc.,) of the program being received.

As to claims 19 and 22, Abecassis fails to teach teaches the control system 20 operable by the supervisor to create a plurality of override lists and display to a viewer a blocking status based upon the override list applicable to the at least one viewer profile.

However, in an analogous art Collings teaches the control system 20 operable by the supervisor to create a plurality of override lists (more than one feature) applicable to the at least one viewer profile and displaying to a viewer a blocking status based upon the override list (Column 17, lines 20-32; Figure 5B).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Collings into the system of Abecassis for the purpose of allowing a parent to unblock previously blocked program(s).

Claims 24-26 are met as previously discussed with respect to claims 14-17.

Claim 28 is met as previously discussed with respect to claim 12.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Abecassis (6,091,886)** as applied to claim 10 above, and in view of **West et al. (5,550,575)**.

As to claim 20, Abecassis fails to teach where the control system is operable by the supervisor to create a plurality of override lists applicable to a plurality of viewer profiles.

However, in an analogous art **West** teaches said control system is operable by the supervisor to create a plurality of override lists applicable to a plurality of viewer profiles (Column 5 lines 30-40 teaches multiple user profiles each having there own



levels of censorship, Also Column 7, lines 29-40 and Column 14, lines 16-37).

Therefore it would have been obvious for one skilled in the art to incorporate the teaching of West into the system of Abecassis for the purpose of allowing the parent to specify the level of viewing for each member of a household that has different age groups.

6. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Abecassis (6,091,886)** in view of **Collings (5828402)** as applied to claim 14 above, and further in view of **Sullivan et al. (2004/0040034)**.

As to claim 18, Abecassis as modified by Collings, fail to teach at least one list is applicable to a plurality of viewer profiles.

However, in an analogous art **Sullivan** teaches wherein said at least one list is applicable to a plurality of viewer profiles (§[0036] teaches an age group of children can have different parental controls of other age groups. The individual children in the age group have a common profile of being a certain age and the same parental control settings/list apply to all the children with the age profile).

Therefore it would have been obvious for one skilled in the art to incorporate the teaching of Sullivan into the system of Abecassis as modified by Collings for the purpose of being able to easily modify the parental control settings for a group that are always the same.

#### **(10) Response to Argument**

With respect to the 102(e) rejection of claims 10, 11, 13, 21, 23-25, 27 and 29, Appellant discusses the prior arts of record and the ground(s) of rejection and further argues that the primary prior art of record, Abecassis: "does not disclose or suggest: a 'supervisor control system operable by said supervisor to select a specific program having a rating above a set rating for blocking programs applicable to the viewer profile such that said selected program is unblocked for the duration of the program while the other of the said plurality of images for display are blocked according to the viewer profile'" that "...fails to show or suggest each features in claim 10,...does not anticipate the present claimed invention," and further argues that the various 103(a) rejections are not proper (see page 6+ of Appellant's Brief).

In response, Examiner notes Appellant's arguments; however, the Examiner respectfully disagrees. Abecassis meets the claimed limitations as follows: A video signal processor (Subscriber Video System 'SVS' 721/722/723) for producing an output signal suitable for coupling to a display device (741) to produce a plurality of images for display to at least one viewer (figs.4, 7, col.5, line 59-col.6, line 47 and col.19, lines 31-53); A supervisor control system (SVS 721/722/723) operable by a supervisor (e.g. a parent) to create at least one viewer profile (e.g., a child) identifying programs to be blocked from display to the at least one viewer (figs.8-9, col.5, line 59-col.6, line 47, col.19, line 54-col.20, line 27, col.21, line 34-col.22, line 11); The supervisor control system (SVS 721/722/723) operable by the supervisor to select a specific program having a rating above a set rating for blocking programs applicable to the viewer profile such that the select program is unblocked for the duration of the program while the

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other of the plurality of images for display are blocked according to the viewer profile (the parent selects a program above a rating and restricts portions of the videos or segment of the video) , whereby upon completion of the selected specific program, the supervisor control system identifies programs to be blocked (figs.4 and 9) according to the at least one viewer profile (col.19, line 54-col.20, line 27, col.21, line 34-col.22, line 61, line 66-col.23, line 44 and col.24, line 55-col.25, line 8); various portions of the video are seamlessly skipped (plurality of images are blocked) to only present (play or unblocked) videos or versions of the videos that may be viewed by a viewer (e.g. child) based on the preferences (see also abstract). Furthermore the playing or viewing of the specific version of video (program) does not require viewer intervention during the playing or viewing of program (col.6, lines 44-47). Abecassis further meets the limitations of claims 11, 13, 21, 23-25, 27 and 29 as discussed above. Hence the 102(e) rejection of claims 10, 11, 13, 21, 23-25, 27 and 29 is proper meets all the claims limitations and should be sustained.

With respect to claims 12 and 28, Abecassis further discloses where the images correspond to channels, but silent as to where the viewer profile identifies channels to be blocked from display to at least one viewer. However, this deficiency is disclosed in **Collings** which discloses in figures 1, 2 and 5, a method and apparatus for selectively blocking audio and video signals and further teaches blocking channel(s) (col.2, line 66-col.3, line 16, line 45-col.4, line 8, col.17, lines 20-32 and col.19, line 41-col.20, line 6). Hence the combination is proper, meets all the claims limitation and should be sustained.

With respect to claims 14-17 and 24-26, Abecassis is silent as to where an override list is formed including a selection of a plurality of programs having a rating above a set rating for blocking programs applicable to the viewer profile by a user and the override list is applicable to at least one corresponding viewer profile such that at least one image to be blocked according to the viewer profile is unblocked and at least one other image not blocked according to the viewer profile is blocked. However, in an analogous art Collings further teaches where an override list is formed including a selection of a plurality of programs having a rating above a set rating for blocking programs applicable to the viewer profile by a user and the override list is applicable to at least one corresponding viewer profile such that at least one image to be blocked according to the viewer profile is unblocked and at least one other image not blocked according to the viewer profile is blocked, applied to at least one viewer profile(s), for a period of time specified by the supervisor and override list includes at least one override selected from the group comprising at least one channel override, at least one time period blocking override, at least one rating blocking override, at least one program (Col.17, lines 1-32 and Figures 5B and Figure 5H). Hence the combination is proper, meets all the claims limitation and should be sustained.

With respect to claims 19 and 22, Abecassis is silent as to where the control system 20 is operable by the supervisor to create a plurality of override lists and display to a viewer a blocking status based upon the override list applicable to the at least one viewer profile. However, in an analogous art Collings teaches the control system 20 operable by the supervisor to create a plurality of override lists (more than one feature)

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applicable to the at least one viewer profile and displaying to a viewer a blocking status based upon the override list (Column 17, lines 20-32; Figure 5B). Hence the combination is proper, meets all the claims limitation and should be sustained.

With respect to claim 20, Abecassis fails to teach where the control system is operable by the supervisor to create a plurality of override lists applicable to a plurality of viewer profiles. However, in an analogous art **West** teaches said control system is operable by the supervisor to create a plurality of override lists applicable to a plurality of viewer profiles (Column 5 lines 30-40 teaches multiple user profiles each having there own levels of censorship, Also Column 7, lines 29-40 and Column 14, lines 16-37). Hence the combination is proper, meets all the claims limitation and should be sustained.

With respect claim 18, Abecassis as modified by Collings, fail to teach at least one list is applicable to a plurality of viewer profiles. However, in an analogous art **Sullivan** teaches wherein said at least one list is applicable to a plurality of viewer profiles ([0036] teaches an age group of children can have different parental controls of other age groups. The individual children in the age group have a common profile of being a certain age and the same parental control settings/list apply to all the children with the age profile). Hence the combination is proper, meets all the claims limitation and should be sustained.

#### **(11) Related Proceeding(s) Appendix**

None

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Application/Control Number: 09/475,448  
Art Unit: 2623

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PATENT OPERATIONS

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